

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMIT BHARTH,

Petitioner,

v.

UNKNOWN,

Respondent.

Case No. 2:22-cv-00146-TLN-JDP (HC)

ORDER DENYING MR. BHARTH'S  
MOTION FOR AN EXTENSION OF TIME

Mr. Amit Barth is a state prisoner proceeding without counsel. This case was opened when he filed a motion asking for additional time to file documents necessary to challenge his criminal conviction. ECF No. 1. I granted him thirty days to file a petition for a writ of habeas corpus and to either pay the filing fee or file an application to proceed *in forma pauperis*. ECF No. 3. Mr. Barth has since filed a motion asking for an extension of time to file a petition for certiorari with the United States Supreme Court. ECF No. 4. In his motion, Mr. Barth explains that he did not intend to commence a habeas action in this court; he only seeks an extension of time to file a petition for certiorari with the United States Supreme Court. *Id.* He also states that he intends to file a habeas petition in this court at a later date. *Id.*

This court does not have the authority to grant Mr. Barth's request, and so his motion is denied. Out of the abundance of caution, I will grant Mr. Barth thirty days to file either a complaint or a habeas corpus petition. If Mr. Barth files neither, I will recommend that this case

1 be dismissed without prejudice.

2 Accordingly, it is hereby ORDERED that:

3 1. Mr. Bharth's motion for an extension of time, ECF No. 4, is denied.

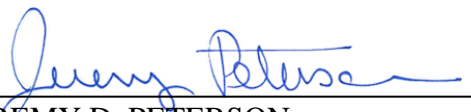
4 2. Mr. Bharth is granted thirty days from the date of this order to file either a complaint or  
5 a petition for a writ of habeas corpus.

6 3. Failure to comply with this order may result in a recommendation that this action be  
7 dismissed.

8 4. The Clerk of Court shall send Mr. Bharth both a form complaint and a form petition for  
9 a writ of habeas corpus.

10 IT IS SO ORDERED.  
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12 Dated: August 22, 2022  
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15 JEREMY D. PETERSON  
16 UNITED STATES MAGISTRATE JUDGE  
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